REMARKS

Claims 1-8, 10-13, 22, 24, and 25 are pending in this application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1-5, 7, and 10-13 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Richter (EP Patent No. 0976417A) in view of Cohen (U.S. Patent No. 5,167,239) and Middleman et al. (U.S. Patent No. 7,169,160) (hereinafter "Middleman").

Claim 1 recites an endoluminal access system for accessing a body lumen, comprising "a guide track which, when in an operative position, extends through a body lumen to a desired location therewithin; a modular device selectively coupleable to the guide track, the modular device including a drive mechanism for engaging the guide track to move the modular device along the guide track within the body lumen; and *an anchoring module selectively coupleable to the guide track for anchoring the guide track at the desired location, the anchoring module including an anchoring module drive mechanism for engaging the guide track to move the anchoring module along the guide track to the desired location, wherein the anchoring module drive mechanism is located inside the anchoring module.*"

It is respectfully submitted that Richter, Cohen and Middleman fail to teach or suggest an anchoring module selectively coupleable to a guide track for anchoring the guide track at a desired location wherein the anchoring module includes "an anchoring module drive mechanism for engaging the guide track to move the anchoring module along the guide track to the desired location, wherein the anchoring module drive mechanism is located inside the anchoring module," as recited in claim 1. In support of the rejection, the Examiner cites the motor drive mechanism of Richter and the balloon anchoring mechanism of Cohen. The Examiner explicitly states that both Richter and Cohen are silent with regard to an "anchoring module [movable] along the guide track," as recited in claim 1 and seeks to overcome this deficiency by citing

anchoring members 56 in Middleman that are movable relative to a catheter 18. (*See* 5/10/10 Office Action, p. 3, ll. 13-14, 19-20). However, it is respectfully submitted that Middleman does not teach or suggest anything capable of meeting the limitation of "an anchoring module drive mechanism for engaging the guide track *to move the anchoring module along the guide track to the desired location*," as recited in claim 1. Rather, Middleman discloses only an anchoring apparatus 10 movable relative to and within a catheter 18. (*See* Middleman, col. 5, ll. 26-50; Figs. 1, 3, 4, 6-11). The anchoring apparatus 10 of Middleman comprises a first tubular element 36 housed within a second tubular element 20 so that distal movement of the first element 36 relative to the second tubular element 20 exposes anchoring members 56 provided on a distal end of the first tubular element 36. (*Id.*) It is respectfully submitted that all of the anchoring mechanisms of Middleman are actuatable only by movement of a first tubular portion relative to a second tubular portion and would find no utility with a "guide track" as recited in claim 1 or with a guide wire. Middleman only teaches one embodiment directed to the movement of an anchoring mechanism relative to a guide wire 46. (*Id.* at col. 6, ll. 14-40; Fig. 5). However, it is respectfully submitted that the anchoring members 56 are not movable *along* the guide wire 46 but rather are positioned on a distal end 50 thereof and are therefore only capable of movement in relation to a proximal or distal movement of the guide wire 46. (*Id.*). Middleman fails to teach or suggest any anchoring mechanism movable *along* the guide wire 46. It is therefore respectfully submitted that Middleman fails to show any structure showing "an anchoring module drive mechanism for engaging the guide track *to move the anchoring module along the guide track to the desired location*," as recited in claim 1. Furthermore, it is submitted that incorporating such structure would require a complete redesign of the device of Middleman in a manner not contemplated and in no way suggested by the reference. It is therefore respectfully submitted that Richter, Cohen and Middleman, taken either alone or in any combination, fail to show or suggest "an anchoring module drive mechanism for engaging the guide track *to move the anchoring module along the guide track to the desired location*," as recited in claim 1 and that claim 1 is allowable for at least this reason.

Because claims 2-5, 7, 10-12 and 13 depend from and therefore include all of the

limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 8 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of Cohen and Middleman in further view of Ziegler et al. (U.S. Patent No. 6,971,990) (hereinafter "Ziegler").

Claim 8 depends from and therefore includes all of the limitations of independent claim 1. As noted above, Richter, Cohen and Middleman, taken alone or in any combination, fail to teach or suggest the limitations of claim 1. Ziegler fails to cure these deficiencies. It is therefore respectfully submitted that claim 1 is allowable over Richter, Cohen, Middleman and Ziegler, taken alone or in any combination. Claim 8 is therefore also allowable as being dependent on an allowable base claim.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of Kindlein (U.S. Patent No. 7,229,401) (hereinafter "Kindlein") in further view of Ziegler.

Claim 6 recites an endoluminal access system for accessing a body lumen, comprising "a modular device selectively coupleable to the guide track, the modular device including a drive mechanism for engaging the guide track to move the modular device along the guide track within the body lumen, wherein the drive mechanism includes a threaded member for engaging a contact surface of the guide track and rotating about the guide track, and wherein the threaded member includes a threaded hole."

It is respectfully submitted that Richter, Kindlein and Ziegler, taken alone or in combination, fail to teach or suggest a drive mechanism including "a threaded member for engaging a contact surface of the guide track and rotating about the guide track, and wherein the threaded member includes a threaded hole," as recited in claim 6. The Examiner agrees that Richter fails to teach or suggest the aforementioned limitation in claim 6. (*See* 5/10/10 Office Action, p. 7, ll. 1-2). It is further respectfully submitted that Kindlein also fails to teach or

suggest any element capable of meeting the aforementioned limitation. Specifically, Kindlein is directed only to a needle 10 captured between four drive wheels 33a-d to guide insertion thereof. (*See* Kindlein, col. 8, ll. 45-60; Figs. 6A-6B). It is unclear how the drive wheels bear any relation to the "threaded member" of claim 6. Furthermore, Kindlein does not teach a threaded member including "a threaded hole," as also recited in claim 6. The Examiner cites Ziegler to cure these deficiencies in Richter and Kindlein. However, it is respectfully submitted that the threaded worm gear 544 does not comprise a "threaded hole," as recited in claim 6. It is unclear what portion of the Ziegler device the Examiner refers to in support of the rejection. However, it is evident that no such threaded hole is provided in the device of Ziegler and it is unclear how or why one skilled in the art would have arrived at any combination of these references meeting the claim limitations. It is respectfully submitted that the proposed combination is an impermissible hindsight reconstruction of the invention and that claim 6 is allowable for at least this reason.

Furthermore, it is respectfully submitted that Ziegler further fails to teach or suggest a threaded member "engaging a contact surface of the guide track and *rotating about the guide track*," as recited in claim 6. The Examiner fails to identify how the device of Ziegler could be modified with the Richter and Kindlein disclosure to meet this limitation. It is respectfully requested that the Examiner provide details regarding the proposed modification or withdraw the 35 U.S.C. § 103(a) rejection. It is respectfully submitted that claim 6 is allowable for at least this additional reason.

Claims 22, 24 and 25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Richter in view of McAlister et al. (U.S. Patent Publn. No. 2002/00065523) (hereinafter "McAlister") in further view of Cohen and Middleman.

As noted above in response to the 35 U.S.C. § 103(a) rejection of claims 1-5, 7 and 10-13, Richter, Cohen and Middleman fail to teach or suggest the steps of "inserting a guide track to a desired location within the body lumen; selectively coupling an anchoring module to the guide track; actuating a motor of the anchoring module in order to advance the anchoring module

along the guide track to a desired location within the bodily lumen [and] anchoring the guide track at the desired location within the body lumen via the anchoring module," as recited in claim 22. Rather, none of these references teach or suggest an anchoring module movable along a guide track. As discussed earlier, the references cited by the Examiner, even when taken in combination, teach only devices in which an anchoring mechanism is moved through (i.e., within) a catheter to extend out of a distal end thereof to anchor the catheter in place. Nothing in any of the cited references teaches or suggest a "actuating a motor of the anchoring module in order to advance the anchoring mechanism *along the guide track to a desired location* within the bodily lumen," as recited in claim 22. McAlister fails to cure these deficiencies.

It is therefore respectfully submitted that Richter, McAlister, Cohen and Middleman, taken alone or in any combination, fail to teach or suggest "inserting a guide track to a desired location within the body lumen; selectively coupling an anchoring module to the guide track; actuating a motor of the anchoring module in order to advance the anchoring module along the guide track to a desired location within the bodily lumen [and] anchoring the guide track at the desired location within the body lumen via the anchoring module," as recited in claim 22 and that claim 22 is in condition for allowance. Because claims 24 and 25 depend from and therefore include all of the limitations of independent claim 22, it is respectfully submitted that these claims are also allowable.

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully Submitted,

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By: _____
Oleg F. Kaplun (Reg. No.45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, N.Y. 10038
(212) 619-6000 (telephone)
(212) 619-0276 (facsimile)